



Minutes for the  
Madison County Commissioners Court  
Monday, May 23, 2022

THE STATE OF TEXAS  
COUNTY OF MADISON

IN COMMISSIONERS COURT  
OF MADISON COUNTY TEXAS

The Madison County Commissioners Court met in Regular Session the 23<sup>RD</sup> day of May 2022, 8:30 a.m., at the Madison County Courthouse Annex, County Courtroom, 103 W. Trinity Street, Suite 106, Madisonville, Texas with the following members:

Tony Leago	County Judge	Absent
Billy McNutt	Commissioner, Precinct 1	Present
Carl Wiseman	Commissioner, Precinct 2	Present
Carl Cannon	Commissioner, Precinct 3	Present
David Pohorelsky	Commissioner, Precinct 4	Present

ITEM 1. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE FLAGS

Commissioner Cannon gave the invocation and led pledges of allegiance to the United States and Texas flags.

ITEM 2. CALL THE MEETING TO ORDER

Commissioner Cannon called the meeting to order with a quorum present.

COUNTY CLERK – SUSANNE MORRIS

ITEM 3. Review and/or correct minutes of Regular Meeting held May 9, 2022, and Special Session May 13, 2022. See attached.

Commissioner Cannon asked for any comments or corrections to the minutes, there were none, the minutes stand as presented.

ITEM 4. COLLECTION REPORTS

- a) Approve Collection Reports for County Clerk and County Criminal Court.  
No reports were submitted.
- b) Approve Collection Reports for District Attorney  
No reports were submitted.
- c) Approve Collection Report for District Clerk  
Rhonda Savage, District Clerk submitted a Fee Report for April 2022, \$8,425.72; and reported this fiscal year having collected \$5,724.60 in passport fees. We issued 65 passports in the month of April 2022 with applicants coming from Dallas, Austin, Houston, Corsicana, and other places to get a passport, she said. A copy of the Fee Report for April 2022 is included in these minutes.

Commissioner McNutt made a motion to approve the District Clerk's April 2022 report; Commissioner Wiseman gave a second to the motion; and Commissioner Cannon called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All agreed, motion carried.

TREASURER – JUDI DELESANDRI

ITEM 5. Approve paying County bills.

Accounts Payable Claims List for May 23, 2022, was submitted by Judi Delesandri, County Treasurer. See A/P Claims List attached.

Commissioner Pohorelsky made a motion to approve; Commissioner Wiseman gave a second; and Commissioner Cannon said we have a motion and second and called for a vote to approve paying May 23, 2022, county bills.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All agreed, motion carried.

ITEM 6. Approve bills paid since last court date May 9, 2022. See attached.

Commissioner Wiseman made a motion to approve; Commissioner McNutt gave a second; and Commissioner Cannon called for a vote to approve bills paid since last court date May 9, 2022, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

No one opposed, motion carried.

ITEM 7. Approve Treasurer's Report.

No report was submitted.

ITEM 8. Approve personnel changes. See attached.

Judi Delesandri, Treasurer reported payroll changes for Sheriff's Department, Curtis Klinge was appointed Chief Deputy replacing Steve Jeter effective 5-14-2022, rate of pay \$27.53 hourly; and Maegan Richards position changed from Jailer to Dispatcher replacing Chelbi Thompson, 5-14-2022 at a

rate of pay \$15.33. Payroll promotions in County Clerk's Office for Heidi Ellis, Deputy Clerk, \$15.93 hourly effective 5-28-2022; and Hannah Jeter, Criminal Deputy Clerk, probationary period completed increased to \$16.50 hourly effective 5-28-2022. See attached.  
 Commissioner Pohorelsky moved to approve; Commissioner Wiseman gave a second; and Commissioner Cannon called for a vote to approve personnel changes.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in favor, motion carried.

AUDITOR – TONI JOYNER

ITEM 9. Auditor's Report

A budget analysis report was provided by auditor's office. A copy is included in these minutes for review.

ITEM 10. Budget Amendments

No budget amendments were submitted.

DEPARTMENTAL REPORTS

ITEM 11. Designated Representative Monthly Report - Lynn Jeffries

No report was submitted.

ITEM 12. Tax Assessor/Collector Monthly Report – Karen Lane, TAC

Karen Lane, TAC had submitted April 2022 Report last court date, but was not in attendance, so she repeated her report. She said the extra dump stickers ordered are here and they have sold 1,030 so far this year.

ITEM 13. Emergency Management Report – Shelly Butts

Shelly Butts, Coordinator reported a glitch in the counties notification system, and it is being corrected. For the month of April 2022, we issued 12 new electric permits; one solar electric waiver; 17 new address signs; four other signs; five completed minor plats; one completed affidavit of exception; one replat; and 23 pending plat applications, she said.

ITEM 14. County Extension Agent Monthly Report

No report was submitted.

ITEM 15. Veterans Affairs – Danny Singletary

No report was submitted.

ITEM 16. Elections Administrator-Bobbie Duke

Susanne Morris, County Clerk reported for Bobbie Duke who was setting up election equipment for the Run-off Election May 24, 2022. Vote Centers are located at Midway Community Center, Elwood Baptist Church, North Zulch Volunteer Fire Department, Sand Prairie Baptist Church and the Courthouse, Room 108. Voting is 7:00 a.m. to 7:00 p.m.

ITEM 17. Justice of the Peace – Steve Cole/Jon Stevens  
No reports were submitted.

ITEM 18. Sheriff's Department – Bobby Adams  
No reports were submitted.

ITEM 19. Historical Commission – Clark Osborne  
Osborne reported on Viser/Price Cemetery, FM 247, Midway, being cleaned by an Eagle Scout and friends from Austin, Texas, and the Nash Cemetery, North Zulch, cleaned by a Nash family who moved to Normangee. recently. He discussed the TDC Community Squad coming to assist with clean-up work, but they have a problem with transportation. Clark asked Sheriff Bobby Adams about the van at the Sheriff's Department. Sheriff Adams said it is not usable but will see about getting it repaired.

ITEM 20. **Public Comment – Hear Comments in reference to the following Agenda Items Only – time limit 3 minutes, one person at a time will be called from the Public Participation Forms submitted. Move to the front of the Court and stand at the podium.**

Seven Public Participation Forms were presented to the Clerk of Court in reference to Agenda Items 28 and 29.

- 1) Wyona Ballard, 12541 Bundic Rd., North Zulch, Texas, representing Bundic Prairie Neighbors, presented a petition signed by 63 property landowners residing on Bundic, Donaho and Hummingbird roads, one hundred percent, opposing Agenda Items 28 and 29. She gave handouts to each commissioner before giving her presentation and stating her objections.
- 2) Katie May, 3380 Donaho Rd., North Zulch, Texas, said in general, she is against Agenda Items 28 and 29 and stated her objections.
- 3) Clark Osborne, 4500 Hwy. 21 W., Madisonville, Texas discussed variance regulation in Madison County Subdivision Rules and Regulations.
- 4) Brian Kyle, 4710 Donaho Road, North Zulch, Texas stated his objections to Agenda Items 28, 29, 30, 31.
- 5) Vance Ballard, 12541 Bundic Rd., North Zulch, Texas gave his objections to Agenda Items 28 and 29.
- 6) David R. Hovorak, 3755 Donaho Road, North Zulch, Texas said he objects to Agenda Items 28 and 29.
- 7) Patricia Henry, 13100 FM 1372, North Zulch, Texas objected to Agenda Items 28 and 29.

ITEM 21. Discuss and consider proclaiming June 6-10, 2022, as National Garden Week in Madison County. See Proclamation attached.  
Commissioner Wiseman made a motion; Commissioner Pohorelsky seconded the motion; and Commissioner Cannon called for a vote to proclaim June 6-10-2022, as National Garden Week in Madison County.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All agreed, motion carried.

ITEM 22. Presentation from Jeff Presnal with Corps Assets regarding tax abatement/agreement. Jeff Presnal, Co-Founder of Corps Assets and Project Manager for a new business coming to Madisonville gave a presentation for the venue, The Madison Christmas Co. Owners are Ashley and Michael Rentz. The business is located on Highway 21 East next to Best Western Hotel. The Main Store/Showroom is 27,975 square feet of Christmas Merchandise, with a café and bakery. The Mantle is an alternative venue for spouses, refreshments, and sports screens which is integrated with outdoor area. The Pavilion has a playground, fireplace, pavilion seating, outdoor seating, and food trucks. The Pavilion ties together with The Mantle and the Main Shop. Presnal provided a Marketing Plan, Major Christmas Store comparisons, traffic, and vehicle volume study, ten-million-dollar project costs, projected revenue, and development timeframe with grand opening June 2, 2023. See attached.

ITEM 23. Discuss and consider Caterpillar Data Governance Statement and CAT Remote Service Authorization. See attached.

Commissioner Pohorelsky moved to approve; Commissioner McNutt seconded the motion; and Commissioner Cannon called for a vote to approve Caterpillar Data Governance Statement and CAT Remote Service Authorization, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in agreement, motion carried.

ITEM 24. Discuss and consider Right-of-Entry-Form from Halff Associates for property ID#333005. See attached.

Commissioner Wiseman made a motion; Commissioner McNutt gave a second; and Commissioner Cannon said we have a motion and second to approve Right-of-Entry-Form from Halff Associates for property ID#333005, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in favor, motion carried.

ITEM 25. Discuss and consider the request from Tax Assessor-Collector Karen Lane for a variance from the Madison County Travel Policy. See attached.

Karen Lane, TAC said Tax Assessor-Collector conference, June 2022, is in Amarillo, Texas, and she will travel by airplane, but will need a car when she arrives. Lane said she has funds in her budget for the car rental, but county travel policy only allows \$40.00 per day, you can't rent a car for that amount. She shopped several car rental companies and found the best offer with Avis, \$65.00 per day which includes taxes and fees. Lane requested to spend \$65.00 per day for the rental car.

Commissioner Cannon made a motion; Commissioner Wiseman gave a second to the motion; and Commissioner Cannon said we have a motion and a second to approve request from Tax Assessor-Collector Karen Lane for a variance from the Madison County Travel Policy, all in favor.  
 VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in agreement, motion carried.

ITEM 26. Discuss and consider posting equipment for auction/sale with Auctioneer Express, SWICO and/or Texas Association of Counties-Trading Post for Pct. 1 which is attached hereto as Exhibit A and for Pct. 4 which is attached hereto as Exhibit B. See attached.  
 Commissioner Pohorelsky moved to approve; Commissioner Wiseman seconded the motion; and Commissioner Cannon called for a vote to post equipment for auction/sale with Auctioneer Express, SWICO and/or Texas Association of Counties-Trading Post for Pct. 1 which is attached hereto as Exhibit A and for Pct. 4 which is attached hereto as Exhibit B, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All agreed, motion carried.

ITEM 27. Discuss and consider 2-year contract renewal with LexisNexis for the Madison County Law Library. See attached.

Commissioner Wiseman moved to approve; Commissioner McNutt gave a second to the motion; and Commissioner Cannon said we have a motion and second to approve 2-year contract renewal with LexisNexis for the Madison County Law Library, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

No one opposed, motion carried.

ITEM 28. Discuss and consider application and preliminary plat for property recorded in Volume 1816, Page 107, Number 15411 of the Madison County Records. Located in the James M. Harbour survey Tract 1-5, Abstract 0109 of Willow Branch Estates with a variance from width to depth ratio greater than 1:3. See attached.

A presentation was given by Jennifer Dunkin, representing the developer and owner of Willow Branch Estates prior to Shelly Butts, Coordinator of Subdivision/Rural Development speaking to this agenda item. Butts said the application meets documentation requirements with agreements and a series of

signatures from other entities. There have been several meetings with Willow Branch Estates developers to make sure everything is done correctly, so we did not think the application was anything outside what commissioner's court has done before, she said. Butts had researched records from 2014 to current for the number of variances that had been approved by commissioner's court, there were 27 total. A discussion ensued concerning other options for Willow Branch Estates in county subdivision rules and regulations.

Commissioner Pohorelsky moved to deny application for preliminary plat of Willow Branch Estates; Commissioner Wiseman seconded the motion; and Commissioner Cannon called for a vote to deny application and preliminary plat for property recorded in Volume 1816, Page 107, Number 15411 of the Madison County Records. Located in the James M. Harbour survey Tract 1-5, Abstract 0109 of Willow Branch Estates with a variance from width to depth ratio greater than 1:3, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in favor, motion carried.

ITEM 29. Discuss and consider application for final major plat for property recorded in Volume 1816, Page 107, Number 15411 of the Madison County Records. Located in the James M. Harbour Survey Tract 1-5, Abstract 0109 of Willow Branch Estates with a variance for width to depth ratio greater than 1:3. See attached.

Commissioner Pohorelsky moved to deny application for final major plat for Willow Branch Estates; Commissioner Wiseman gave a second; and Commissioner Cannon said we have a motion and second to deny final major plat for property recorded in Volume 1816, Page 107, Number 15411 of the Madison County Records. Located in the James M. Harbour Survey Tract 1-5, Abstract 0109 of Willow Branch Estates with a variance for width to depth ratio greater than 1:3, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All agreed, motion carried.

ITEM 30. Discuss and consider final minor plat for property recorded in Volume 1808, Page 134, Number 114938 of the Madison County Records. Located in the High Chandler Survey Abstract 0009, Tract 5, 22.05 acres more or less with a variance. See attached.

Shelly Butts, Coordinator, Subdivisions/Rural Development explained this is a division of 22.05 acres, more or less, resulting in three lots, 10.02 acres; 6.00 acres; and 6.00 acres, the division includes a variance for depth more than three times the width. Applicant requests approval because their locked in interest rate will expire May 26, 2022, she said.

Commissioner Cannon said there is no one opposing this application and made a motion to approve; Commissioner Wiseman gave a second; and Commissioner Cannon called for a vote to approve the final minor plat for property recorded in Volume 1808, Page 134, Number 114938 of the Madison County

Records. Located in the High Chandler Survey Abstract 0009, Tract 5, 22.05 acres more or less with a variance.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

No one opposed, motion carried.

ITEM 31. Discuss and consider application for final minor plat with variance for property recorded in Volume 902, Page 152 and Volume 1425, Page 19, Number 55378, Volume 907, Page 171, Number 55711 and Volume 693, Page 32 of the Madison County Records. See attached.

Shelly Butts, Coordinator Subdivisions/Rural Development referred commissioners to a copy of the plat saying the two front tracts were purchased by TxDOT for the right-of-way Highway 21 project. The lot below is a seven-acre tract that is being sold; there are four other tracts; so, applicant is asking for a division of the seven acres from the remaining tracts. They have agreed that four tracts will become one parcel. It does not meet the width to depth on the frontage part of the road, it remains a variance, Butts said. Commissioner Cannon suggested tabling this item and to give applicant an opportunity to consider revising their plat, so they do not need to request a variance.

Commissioner Pohorelsky moved to table this agenda item; Commissioner Wiseman seconded the motion; and Commissioner Cannon said we have a motion and second to table application for final minor plat with variance for property recorded in Volume 902, Page 152 and Volume 1425, Page 19, Number 55378, Volume 907, Page 171, Number 55711 and Volume 693, Page 32 of the Madison County Records, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in favor, motion carried.

ITEM 32. **Public Comment- No Discussion or Action will be taken at this time by the Court – A three (3) minute limit per speaker. One person at a time will be called from the Public Participation submitted. Move to the front of the Court and stand at the podium. Please address your comments to your commissioner.**

No public participation forms were submitted to Clerk of Court.



ITEM 33. ADJOURN:

Commissioner Wiseman made a motion to adjourn; Commissioner Pohorelsky gave a second; and Commissioner Cannon called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge, Absent				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All approved, motion carried.

Meeting was adjourned Monday, May 23, 2022, at 10:17 A.M.

I, Susanne Morris, Madison County Clerk, do hereby attest that the foregoing is a true and accurate accounting of the Commissioners Court's authorized proceedings for May 23, 2022.

Approved and signed this 13<sup>th</sup> day of June 2022.



A handwritten signature in cursive script, reading "Susanne Morris".

Susanne Morris, Clerk  
Commissioners Court  
Madison County, Texas